

**From:** Nies, Sara  
**To:** [Rauch, Anne](#)  
**Cc:** [Terriguez, Joe](#); [Guerry, William M.](#); [Cooperman, Jonathan](#)  
**Subject:** RE: BOE  
**Date:** Wednesday, March 22, 2017 6:22:36 PM

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Anne,

As the additional documents that we believe are responsive to EPA Information Requests contain Confidential Business Information, we are sending them to you via Federal Express. They should arrive tomorrow morning.

Best regards,  
Sara Nies

Sara Nies

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**From:** Cooperman, Jonathan  
**Sent:** Tuesday, March 21, 2017 6:07 PM  
**To:** 'Rauch, Anne' <[Rauch.Anne@epa.gov](mailto:Rauch.Anne@epa.gov)>  
**Cc:** Terriguez, Joe <[terriguez.joe@epa.gov](mailto:terriguez.joe@epa.gov)>; Guerry, William M. <[WGuerry@KelleyDrye.com](mailto:WGuerry@KelleyDrye.com)>  
**Subject:** RE: BOE

Anne,

We request that the following documents from our CERCLA response be treated on a CBI basis:

Exhibits from the prior CAA response: Exhibit B (Process Diagram); Exhibit D (Chart of daily flow of gas to the flare)

Exhibits from the prior CWA response: Exhibit C; Exhibit D; Exhibit E; Exhibit G; Exhibit H; Exhibit I; Exhibit L

New Exhibits from the CERCLA response: Exhibit D and Exhibit H

Please let me know if this clears up the issue.

Separately, we have additional documents from our client that we believe are responsive to EPA Information Requests. We should be able to start sending you additional documents tomorrow. Separately, I understand that Mike Major has been communicating with Dave Hensley on GDC requirement issues and that is progressing well..

Please let me know if you have any questions.

Jon

Jonathan Cooperman

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**From:** Rauch, Anne [<mailto:Rauch.Anne@epa.gov>]  
**Sent:** Monday, March 20, 2017 3:31 PM  
**To:** Cooperman, Jonathan <[JCooperman@KelleyDrye.com](mailto:JCooperman@KelleyDrye.com)>  
**Cc:** Terriquez, Joe <[terriquez.joe@epa.gov](mailto:terriquez.joe@epa.gov)>  
**Subject:** BOE

Good afternoon, There is a coordination call between NDEQ & EPA R7 for mid-week. Could I please get dates for production of the documents outlined in my March 13 email? In addition, I am again seeking clarification relative to any pending claims of CBI. My understanding is that the two documents set forth in BOE's February 28, 2017 CAA 114 substantiation are the documents in which you have affirmatively made CBI claims/substantiations to date.

Anne Rauch  
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